



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11230 OF 2025

CHABURAO VITTHALRAO SANAP

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Potdar Eklavya Sandesh

AGP for Respondents: Mr. V.M. Kagne

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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATE : 03rd OCTOBER 2025

ORDER:

1. The present petitioner filed the petition for direction to respondent Nos.2 to 4 to disburse the amount of Rs.31,66,962/- stated to be the admitted arrears as per the communication dated 22.08.2023 and recorded in the order of this Court dated 20.09.2023 in Writ Petition No.11652/2023.

2. The petitioner was the petitioner in Writ Petition No.11652/2023 and on 20.09.2023 this Court considered that after filing the petition, letter was given by the Regional Deputy Commissioner, Social Welfare, Aurangabad addressed to Commissioner, Social Welfare

Maharashtra State, Pune on 22.08.2023 stating therein that the amount of Rs.15,29,478/- has been paid and an amount of Rs.31,66,962/- are in arrears on account of financial constraints. This Court disposed of the petition with expectation that the respondent Nos.2 to 4 would make the payment of admitted amount within six months and according to the petitioner, this amount has not yet been paid. However, in the said order itself, it was stated that in the event of such amounts are not paid, the petitioner would be at liberty to file a recovery suit.

3. Upon query as to why the recovery suit has not been filed and whether the execution of the said order in the writ petition would be by way of second writ petition, the learned advocate for the petitioner relies on the observations in **ABL International Ltd. and Anr. Vs. Export Credit Guarantee Corporation of India Ltd. and Ors.**; (2004) 3 SCC 553, and **Kanika Construction Vs. State of U.P. and Ors.**; 2022 SCC OnLine All 30, to state that for admitted amount the writ petition under Article 226 of the Constitution of India can lie.

4. It is to be noted that the letter dated 22.08.2023 was before this Court when the order dated 20.09.2023 was passed. It was also stated that it was the admitted amount of Rs.31,66,962/- which has remained unpaid but it was due to the financial constrains. In our view, the second writ petition for same cause of action will not lie and, therefore, now upon instructions from the petitioner, the learned

advocate for the petitioner seeks withdrawal of the petition to take up the appropriate procedure/steps. The writ petition is stands dismissed as withdrawn.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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